

## Message Text

CONFIDENTIAL

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 W

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O 141426Z OCT 75 ZFF6

FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC IMMEDIATE 1707

INFO AMEMBASSY NASSAU IMMEDIATE

C O N F I D E N T I A L SAN JOSE 4318

EXDIS

E.O. 29652: GDS

TAGS: PFOR, PINT, CPRS, CS

SUBJECT: VESCO EXTRADITION: REQUEST FOR EMBASSY

ASSISTANCE WITH GCOB

REF: (A) NASSAU 1720

(B) STATE 239963 (NOTAL)

1. NONE OF EMBASSY'S THREE CONSULAR OFFICERS HAS ANY RECOLLECTION OF APPROACH LAST WEEK FROM BUTOWSKY OR STULTS ON ANY SUBJECT. WE WOULD APPRECIATE DEPARTMENT'S REQUESTING CLARIFICATION OF THIS POINT. THE DEPARTMENT WILL NOTE IN ADDITION THAT BUTOWSKY DID NOT CONTACT CHARGE WHILE HE WAS IN SAN JOSE AS HE REPORTEDLY HAD BEEN ASKED TO DO.

2. THIS EMBASSY HAS NO KNOWLEDGE OF LETTER REPORTED PARA 1 REFTEL (A). WOULD BE INTERESTING TO KNOW THE DATE OF THE LETTER TO CONFIRM WHETHER IT WAS WRITTEN SINCE ODUBER TOOK OFFICE (FEBRUARY 1974) AND ALSO THE ADDRESSEE (PRESUMABLY FOREIGN MINISTER FACIO).

3. OUR PRELIMINARY REACTION TO COMMENTS IN PARA 2 REFTEL (A), ADMITTEDLY WITHOUT BENEFIT OF LEGAL COUNSEL, IS THAT PROOF OF INVALID DOCUMENTS MIGHT CONFIDENTIAL

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DISQUALIFY THE DOCUMENTS IN COURT BUT WOULD NOT

LIKELY BE SUFFICIENT GROUNDS EITHER FOR EXTRADITION OF VESCO UNDER OUR TREATY OR FOR SIMPLE EXPULSION BY GOCR UNLESS CLEAR CASE OF FRAUD CAN BE ESTABLISHED. REVELATION OF THE ALLEGED ADDERLY LETTER, HOWEVER, WOULD BE EMBARRASSING TO GOCR, ESPECIALLY IF WRITTEN DURING ODUBER ADMINISTRATION, AND WOULD THEREFORE HAVE SOME POLITICAL REPERCUSSIONS. IT WOULD CERTAINLY BE SEIZED UPON BY OPPOSITION FORCES WHENEVER DEBATE ON EXTRADITION LAW IS RENEWED.

4. I DO HAVE RESERVATIONS ABOUT ADVISABILITY OF SENDING NOTE SUGGESTED PARA 3 OF REFTEL (A) WHICH RELATE TO FOLLOWING QUESTIONS ABOUT LEGAL STATUS OF MESSRS. BUTOWSKY AND STULTS, AND TO POSSIBLE IMPLICATIONS HERE. DOES THE FACT THAT BUTOWSKY IS A "COURT-APPOINTED SPECIAL COUNSEL FOR INTERNATIONAL CONTROLS CORPORATION" (REFTEL (B)) MAKE HIM AN OFFICER OF THE COURT AND THEREFORE IN SOME SENSE AN OFFICIAL OF THE USG? OR IS HE STILL ESSENTIALLY AS WAS PREVIOUSLY UNDERSTOOD A PRIVATE ATTORNEY FOR A PRIVATE CORPORATION? ON THE ANSWER TO THOSE

QUESTIONS MAY HANG THE PROPRIETY AND DESIRABILITY OF EMBASSIES SAN JOSE AND NASSAU UNDERTAKING VARIOUS ACTIONS AT HIS SUGGESTION INCLUDING SENDING THE DIPLOMATIC NOTE. IT IS OBVIOUS THAT BUTOWSKY WISHES TO USE THE REPLY TO THAT NOTE IN HIS LEGAL ACTION IN SAN JOSE, AND THAT WOULD CLEARLY AND OPENLY INVOLVE THE USG IN WHAT WE (AND I BELIEVE THE GOCR) HAD UNDERSTOOD WAS A PRIVATE ACTION.

5. RE PARA 5 REFTEL (A), IT WOULD BE EXTREMELY HELPFUL TO KNOW WHO THE FORMER COSTA RICAN PRESIDENT MENTIONED IS. CAN DEPARTMENT OR NASSAU INQUIRE? IF IT IS FIGUERES, THE IMPLICATIONS HERE ARE FASCINATING SINCE IT WOULD IMPLY A FIGUERES BREAK WITH VESCO. PARENTHETICALLY, BOTH FIGUERES AND PRESIDENT ODUBER, AS WELL AS VESCO HIMSELF, FREQUENTLY CHARTER THE CESSNA CITATION (TAIL NUMBER TI-AFB) OWNED BY AMCIT PAT HATCH.

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6. IF BUTOWSKY WILL NOT NOW BE COMING TO SAN JOSE, EMBASSY WOULD APPRECIATE ANY INFORMATION ON STATUS GDSMHE ICC ACTION HERE WHICH STATE OR SEC MAY HAVE.  
LANE

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NNN

## Message Attributes

**Automatic DecapTIONing:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXTRADITION, DIPLOMATIC NOTES, INVESTIGATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 14 OCT 1975  
**DecapTION Date:** 28 MAY 2004  
**DecapTION Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** johnsorg  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Document Number:** 1975SANJO04318  
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**Document Unique ID:** 00  
**Drafter:** n/a  
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**Errors:** N/A  
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**Reference:** 75 NASSAU 1720  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** johnsorg  
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**Review Date:** 05 SEP 2003  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** VESCO EXTRADITION: REQUEST FOR EMBASSY ASSISTANCE WITH GCOB  
**TAGS:** PFOR, PINT, CPRS, CS, BF, US, (VESCO, ROBERT L), (BUTOWSKY, DAVID M), (STULTS, HAROLD L JR)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006